

UNITED STATES DISTRICT COURT
for the



In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Person of Vince Scott
YOB 1998

Case No. **23 MR 1310**

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

See attachment A, incorporated by reference.

located in the _____ District of New Mexico, there is now concealed (*identify the person or describe the property to be seized*):

See attachment B, incorporated by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 1153	Major Crimes Act
18 U.S.C. §§ 113(8),	Assault by Strangulation
2241(b)(1), 2246(2)	Aggravated Sexual Abuse

The application is based on these facts:

See attached affidavit, submitted by BIA SA RoAnna Bennett, and approved by Supervisory AUSA Elisa Dimas

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (*give exact ending date if more than 30 days*: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

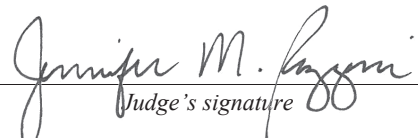

Applicant's signature

Roanna Bennett, BIA Special Agent
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
Telephonically sworn and electronically signed _____ (*specify reliable electronic means*).

Date: June 30, 2023

City and state: Albuquerque, New Mexico


Judge's signature
Jennifer M. Rozzoni, U.S. Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

IN THE MATTER OF SEARCH OF
VINCE SCOTT, YOB 1998

Case No. _____

AFFIDAVIT

1. I, RoAnna Bennett, have been a Law Enforcement Officer for approximately 22 years and have performed law enforcement duties as a Military Police Officer, Military Police Investigator, Criminal Investigator, and Special Agent, while employed with the United States Army. I am now employed with the Bureau of Indian Affairs (BIA), Office of Justice Services (OJS), Laguna Agency and am currently a Special Agent. My primary duties as a Special Agent are to investigate major criminal offenses, which occur within the exterior boundaries of the Indian reservations to which I am assigned. Sexual assault investigations are one of my responsibilities. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute criminal complaints and search warrants issued under the authority of the United States.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter. Throughout this affidavit, reference will be made to law enforcement officers. Law enforcement officers are those federal, state, and local law enforcement officers who have directly

participated in this investigation, and with whom your affiant has had regular contact regarding this investigation.

3. Because this affidavit is being submitted for the purpose of securing a Search Warrant, I have not included every fact known to me concerning this investigation. I have set forth facts I believe are necessary to establish probable cause to obtain DNA from VINCE SCOTT (YOB: 1998), hereinafter referred to as SCOTT, to wit: Deoxyribonucleic Acid (DNA) samples from SCOTT, wherever HE is found, by way of buccal swabs. I believe SCOTT's DNA may be matched to DNA recovered from a Sexual Assault Evidence Kit relating to an alleged sexual assault of JANE DOE. As provided in the facts below, there may be DNA left by SCOTT from a consensual sexual encounter with JANE DOE prior to the alleged aggravated sexual abuse. Collection of DNA from SCOTT for comparison will help to eliminate any possible other assailants who could have committed the sexual assault against JANE DOE while she was unconscious. These items will be submitted to the State of New Mexico Department of Public Safety Forensic Laboratory for DNA Analysis.

4. Based on your affiant's training and experience in investigating sexual assaults, it is possible for individuals to transfer bodily fluids that may contain Deoxyribonucleic Acid (DNA) onto hair, different parts of the body, clothing, and other tangible items. In such cases, samples taken from a suspect can be compared against evidence recovered during an investigation, including samples from a victim collected in a sexual assault evidence kit.

5. As a Federal Agent, I am authorized to investigate violations of the laws of the United States and have authority to execute criminal complaints and search warrants issued under the authority of the United States.

6. A more detailed description and photograph of SCOTT is contained within Attachment A, which has been attached hereto and incorporated herein for reference. Because this affidavit is submitted for the limited purpose of seeking a search warrant to collect DNA samples from SCOTT, Affiant has set forth only the facts believed to be necessary to establish probable cause to believe that violations of Assault by Strangulation and Aggravated Sexual Abuse of JANE DOE in violation of 18 U.S.C. §§ 1153, 113(8), 2241(b)(1), and 2246(2) were committed by SCOTT. There is also probable cause to search SCOTT for evidence as further described in Attachment B.

PROBABLE CAUSE

7. On May 29, 2023, at approximately 6:15 a.m., the Bureau of Indian BIA, OJS, Laguna Agency, SA RoAnna Bennett, was notified by Police Officer Tomalisha Garcia, Pueblo of Acoma Police Department (APD) of an alleged Domestic Violence (DV) Strangulation/Sexual Assault. The preliminary investigation revealed that JANE DOE and SCOTT, who were in an intimate relationship at the time of the incident, attended a graduation party at the Pueblo of Acoma Sky City Casino/Hotel. Sometime during the late-night hours, SCOTT and JANE DOE had a fight and SCOTT allegedly wrapped both hands around JANE DOE's neck, squeezed very hard, and caused JANE DOE to lose consciousness. Further, SCOTT allegedly engaged in sexual intercourse with JANE DOE while she was unconscious and without her consent.

8. On May 29, 2023, at approximately 10:05 a.m., SA Bennett interviewed JANE DOE who provided a statement wherein she detailed the incident to the best of her recollection. JANE DOE identified SCOTT as the suspect. She related that at approximately 9:00 p.m. the night before, JANE DOE and SCOTT returned to their hotel room and engaged in consensual sex. As the evening progressed, JANE DOE and SCOTT consumed an unknown amount of alcohol. JANE DOE took a shower after SCOTT became angry about JANE DOE making a statement about his parents “going through” her personal bag without her consent. After showering, JANE DOE noticed SCOTT still appeared angry as SCOTT entered the bathroom to take a shower. JANE DOE “passed out.” Later, JANE DOE awoke to find her cellular phone gone from her possession and SCOTT browsing her phone without her consent. SCOTT angrily shouted at JANE DOE for communicating with another male. JANE DOE attempted to retrieve the phone and a physical altercation ensued. SCOTT “shoved” JANE DOE who fell to the floor. JANE DOE stood up as SCOTT “swung” a fist and JANE DOE ducked out of reach. SCOTT swung again and made minimal contact with JANE DOE’s lip. SCOTT then grabbed JANE DOE around the neck with both hands and squeezed. JANE DOE struggled to breathe and saw “black spots.” JANE DOE fought to get SCOTT to release his hands to allow to breathe. JANE DOE became very frightened and pretended to “pass out.” SCOTT then released JANE DOE. When JANE DOE thought SCOTT exited the room, JANE DOE stood up and immediately lost consciousness. After an unknown amount of time, JANE DOE awoke and was alone in the room. She then left the room to get help before SCOTT returned. JANE DOE believed she had been sexually

assaulted while she was unconscious because she felt “discharge” leak out of her when she stood up.

9. On May 29, 2023, at approximately 11:11 a.m., SA Bennett arranged to have JANE DOE seen at the Albuquerque Family Advocacy Center in Albuquerque, New Mexico, to be examined by a Sexual Assault Nurse Examiner (SANE). A sexual assault examination was completed, and a sexual assault evidence kit was collected from JANE DOE. As part of that evidence collection, they took swabs of JANE DOE’s genital areas including the vagina, mons pubis, outer labia majora, cervix, and anus. During the examination, suspected semen was found in JANE DOE’s hair, which was collected as evidence. Between the assault and her sexual assault nurse examination, JANE DOE did not bathe or shower, and she did not wash her hair or genitalia.

10. On May 31, 2023, SA Bennett attempted to interview SCOTT. Prior to being advised of his Miranda rights, SCOTT refused to speak to SA Bennett.

11. The victim is **JANE DOE** (YOB: 1997), a Native American female and an enrolled tribal member of the Navajo Nation, a federally recognized Indian Tribe.

12. The suspect is **VINCE SCOTT** (YOB: 1998), a Native American male and an enrolled tribal member of the Navajo Nation, a federally recognized Indian Tribe.

13. The assault occurred at 7 Sky City Drive, Room133, Acoma Pueblo, New Mexico, which is located in Cibola County, State of New Mexico and is within the exterior boundaries of the Acoma Indian Reservation, a federally recognized Indian Tribe.

14. Your affiant respectfully requests that a search warrant be issued for VINCE SCOTT, to collect buccal swabs to obtain cells for forensic analysis and for the use of evidence in court. Your Affiant believes there is probable cause to suggest SCOTT committed the crimes of Assault by Strangulation and Aggravated Sexual Abuse of JANE DOE in violation of 18 U.S.C. §§1153, 113(8), 2241(b)(1), and 2246(2).

CONCLUSION

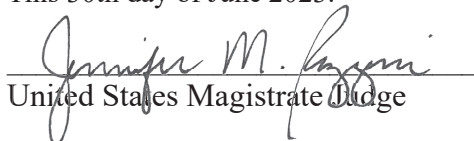
15. Based upon the information contained herein, your Affiant believes that there is probable cause to search SCOTT, described in Attachment A, for the items described in Attachment B, which are evidence of violations of 18 US.C. §§ 1153, 113(8), 2241 (b)(1), and 2246 (2), those being Assault by Strangulation and Aggravated Sexual Abuse. It is further believed that obtaining the DNA from SCOTT will help in identifying whether SCOTT sexually assaulted JANE DOE. The buccal-swab samples from SCOTT will be obtained pursuant to approved medical procedures, without unnecessary discomfort to SCOTT, in private, and under circumstances where he will feel little or no pain or embarrassment.

16. I swear that this information is true and correct to the best of my knowledge and belief. This affidavit has been reviewed by Supervisory Assistant United States Elisa Dimas of the District of New Mexico.



RoAnna BENNETT
Special Agent, BIA/OJS Laguna Agency

Subscribed and sworn to before me
This 30th day of June 2023.



United States Magistrate Judge

ATTACHMENT A

PERSON TO BE SEARCHED

1. Vince Scott, YOB: 1998, SSN: XXX-XX-5630, wherever found.



ATTACHMENT B

ITEMS TO BE SEIZED.

As a result of this investigation, there is probable cause to believe the items to be seized will reveal evidence related to 18 U.S.C. §§1153, 113(8), 2241(b)(1), and 2246(2).— Assault by Strangulation and Aggravated Sexual Abuse in Indian Country.

1. The item(s) to be seized collection of DNA via Buccal Swabs from the mouth, sufficient for DNA analysis from Vince Scott, YOB: 1998.